

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

NEW ENGLAND PIPING, INC.

and

Case 34-CA-5645

SPRINKLER FITTERS LOCAL 676

CORRECTION

On June 10, 1993, the National Labor Relations Board issued a Supplemental Decision and Order in the above-captioned case.

Please substitute the attached for your copy which was inadvertently assigned the wrong pamphlet number (**311 NLRB No. 109**).

Dated: June 11, 1993

**New England Piping, Inc. and Sprinkler Fitters
Local 676. Case 34-CA-5645**

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND RAUDABAUGH

On August 10, 1992, the National Labor Relations Board issued a Decision and Order in this case¹ finding that New England Piping, Inc. (the Respondent) had violated Section 8(a)(1) and (5) of the Act by failing to make contractually required contributions on behalf of unit employees to the National Automatic Sprinkler Industry Welfare Fund, the National Automatic Sprinkler Industry Pension Fund, and the Sprinkler Local Union Education Fund. The Board, *inter alia*, ordered the Respondent to honor the terms of its collective-bargaining agreement with the Union by making all the required fund contributions and by making whole unit employees for any expenses they may have incurred as a result of the Respondent's failure to make such contributions.

A controversy having arisen over the amounts due under the terms of the Board's Order, the Regional Director for Region 34 issued a compliance specification and notice of hearing on March 31, 1993, alleging the amount due under the Board's Order,² and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent has failed to file an answer.³

¹ 308 NLRB No. 35.

² The compliance specification alleges that the Respondent has not made all contractually required benefit fund contributions for unit employees Thomas Christie, Russell Oaks, Ronald Passander, and Lester LaPointe, and that the amounts owed to the funds on their behalf through February 28, 1993, are as follows:

National Automatic Sprinkler Industry Welfare Fund	\$6,550.80
National Automatic Sprinkler Industry Pension Fund	\$12,360.00
Sprinkler Local Union Education Fund	\$197.76

³ The copy of the compliance specification sent to the Respondent by certified mail was returned to the Regional Office marked "unclaimed." The Respondent's failure or refusal to claim certified mail

By letter dated April 26, 1993, sent by certified mail, the Regional attorney for Region 34 advised the Respondent that no answer to the compliance specification had been received and that, unless an appropriate answer was filed by close of business May 3, 1993, summary judgment would be sought.⁴ The Respondent filed no answer to the specification.

On May 10, 1993, counsel for the General Counsel filed with the Board a Motion for Summary Judgment and for issuance of Board Supplemental Decision and Order, with exhibits attached. On May 12, 1993, the Board issued an order transferring the proceedings to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion are therefore undisputed.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations in the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer within 21 days from service of a compliance specification. Nor has it requested an extension of time in which to do so. In the absence of good cause for the Respondent's failure to file an

cannot serve to defeat the purposes of the Act. *Michigan Expediting Service*, 282 NLRB NLRB 210 fn. 6 (1986). Another copy of the compliance specification was served by regular mail on the Respondent at its business address in Amston, Connecticut, on April 21, 1993, and was not returned.

⁴ A copy of the letter was sent to the Respondent's attorney by regular mail.

answer, we deem the allegations in the compliance specification to be admitted to as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net amounts due is as stated in the compliance specification, and we will order the Respondent to pay the amounts set forth in the specification, plus interest accrued on the amounts to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, New England Piping, Inc., Amston, Connecticut, its officers, agents, successors, and assigns, shall make whole unit employees Thomas Christie, Russell Oaks, Ronald Passander, and Lester LaPointe by making the following payments on their behalf to the funds described below, with interest:

National Automatic Sprinkler Industry Welfare Fund	\$6,550.80
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National Automatic Sprinkler Industry Pension Fund	\$12,360.00
Sprinkler Local Union Education Fund	\$197.76

Dated, Washington, D.C. June 10, 1993

James M. Stephens,	Chairman
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Dennis M. Devaney,	Member
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John Neil Raudabaugh,	Member
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(SEAL) NATIONAL LABOR RELATIONS BOARD